

DOCKET NO: 266383US6PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
Yves DEMARS, et al. : EXAMINER: A, PHI DIEU TRAN
SERIAL NO: 10/530,060 :
FILED: APRIL 4, 2005 : GROUP ART UNIT: 3633
FOR: INSULATING GLAZING PANEL :

PETITION UNDER 37 C.F.R. §1.181(a)(3)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants herein petition the Commissioner in order to obtain consideration and acknowledgment on the record of the Information Disclosure Statement (IDS) filed on June 27, 2007.

The noted IDS was filed in conformity with the requirements of 37 C.F.R. §§1.97-1.98. Nevertheless, the Office Action dated September 24, 2007 indicates that French Patent Nos. 2 115 932 and 2 807 783, which were properly submitted with the IDS on June 27, 2007, have not been considered.

French Patent Nos. 2 115 932 and 2 807 783 are not in the English language. M.P.E.P. § 609.04(a)(III) states that each Information Disclosure Statement must further include a concise explanation of the relevance, as it is presently understood by the individual designated under 37 C.F.R. § 1.56(c) most knowledgeable about the content of the information that is not in the English language. The Information Disclosure Statement filed on June 27, 2007 was filed with a Statement of Relevancy that noted that the references listed

on the form PTO-1449 and attached therewith are relevant for at least the reasons specified in the specification. Applicants note that French Patent Nos. 2 115 932 and 2 807 783 are discussed in the specification as originally filed at least at page 2, line 26 to page 3, line 17. Therefore, the Information Disclosure Statement filed on June 27, 2007, was proper, and all the references filed therewith should be considered.

The Advisory Action dated March 21, 2008 indicates that the IDS filed June 27, 2007 fails to comply with 37 C.F.R. § 1.98(a)(2), which requires submission of a legible copy of each cited reference. However, legible copies of French Patent Nos. 2 115 932 and 2 807 783 were properly submitted with the IDS filed June 27, 2007, and the U.S. Patent and Trademark Office acknowledged their receipt.

Submitted herewith are courtesy copies of the IDS filed on June 27, 2007, the form PTO-1449 that was submitted therewith, French Patent Nos. 2 115 932 and 2 807 783 that were submitted therewith, the Statement of Relevancy that was submitted therewith, and the Filing Receipt which includes a date stamp of June 27, 2007. Five references were submitted with the IDS filed on June 27, 2007: U.S. Patent No. 3,921,359; U.S. Patent No. 7,141,282; French Patent No. 2 115 932; French Patent No. 2 807 783; and French Patent No. 01/13 354.¹ As can be seen on the attached date-stamped filing receipt, the U.S.P.T.O. acknowledged receipt of these 5 cited references. Thus, legible copies of French Patent Nos. 2 115 932 and 2 807 783 were submitted with the IDS filed on June 27, 2007 in accordance with 37 C.F.R. § 1.98(a)(2), as evidenced by the date stamped filing receipt.

¹ U.S. Patent Publication No. 2005/0003116, listed on the form PTO-1449, was previously submitted in an IDS of June 29, 2005, and was indicated as considered in the Office Action dated April 3, 2007. Thus, U.S. Patent Publication No. 2005/0003116 was not submitted with the IDS filed on June 27, 2007.

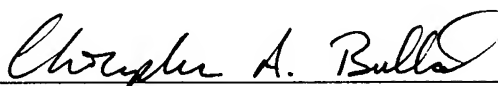
Application Serial No. 10/530,060
Yves DEMARS, et al.

Accordingly, it is respectfully requested that French Patent Nos. 2 115 932 and 2 807 783, which were properly submitted with the Information Disclosure Statement filed on June 27, 2007, be considered and that the enclosed courtesy copy of Form PTO-1449 filed therewith be initialed indicating that these documents have been considered.

Although Applicants do not believe that any fee is required for the present petition, any required fee should be charged the undersigned attorneys account no. 15-0030.

Respectfully submitted,

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